App. 1

United States Court of Appeals
For the First Circuit

No. 00-2146
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
JALIL GAZIR SUED-JIMÉNEZ, Defendant, Appellant.

No. 01-1254
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ELGA MARI CASTRO-RAMOS, Defendant, Appellant.

No. 01-1256
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ELLIOT VICENTE CASTRO-TIRADO,
Defendant, Appellant.

No. 01-1469
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
JOSÉ LUIS ROMERO-BURGOS, Defendant, Appellant.

No. 01-1471
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
CARLOS TAÍNO DÁVILA-REVERÓN,
Defendant, Appellant.

No. 01-1472
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
JUAN OSVALDO BUDÉT-MELÉNDEZ,
Defendant, Appellant.

App. 2

No. 01-1473
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
EDWIN RIVERA, Defendant, Appellant.

No. 01-1474
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
JOSÉ PÉREZ-GÓNZÁLEZ, Defendant, Appellant.

No. 01-1475
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
NORMA RODRÍGUEZ-FERRÁN, Defendant, Appellant.

No. 01-1476
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
MIGUEL A. RIVERA-GONZÁLEZ, Defendant, Appellant.

No. 01-1477
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
TUBAL PADILLA-GALEANO, Defendant, Appellant.

No. 01-1478
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
RUFINO ECHEVARRÍA-RIVERA, Defendant, Appellant.

No. 01-1479
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
EFRAÍN FIGUEROA-BÁEZ, Defendant, Appellant.

No. 01-1480
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ALFREDO J. COLÓN-MELÉNDEZ,
Defendant, Appellant.

No. 01-1522
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
LILIANA GARCÍA-ARROYO, Defendant, Appellant.

No. 01-1523
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ALICE AGOSTO-HERNÁNDEZ, Defendant, Appellant.

No. 01-1524
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ROBERTO BARRETO-VALENTÍN, Defendant, Appellant.

No. 01-1525
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ERIKA FONTÁNEZ-TORRES, Defendant, Appellant.

No. 01-1526
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
MARITZA GARCÍA-ARROYO, Defendant, Appellant.

No. 01-1527
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
NESTOR CRUZ-CRESPO, Defendant, Appellant.

No. 01-1528
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
JOSÉ MAYOL-SEPÚLVEDA, Defendant, Appellant.

No. 01-1529
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ROBERTO A. GÁNDARA-BARNETT,
Defendant, Appellant.

No. 01-1530
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
OMAR GÓMEZ-COUVERTIER, Defendant, Appellant.

No. 01-1531
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
JOSÉ E. FLORES-ARRIAGA, Defendant, Appellant.

No. 01-1532
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
RAMÓN DÍAZ-RIVERA, Defendant, Appellant.

No. 01-1533
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
UBALDO ROSARIO-NIEVES, Defendant, Appellant.

No. 01-1534
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ISRAEL TORRES-LLAURADOR, Defendant, Appellant.

No. 01-1535
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
NORMA LUGO-MALDONADO, Defendant, Appellant.

No. 01-1954
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
BLANCA GARI-PÉREZ, Defendant, Appellant.

No. 01-1955
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
PEDRO JOSÉ MUÑIZ-GARCÍA, Defendant, Appellant.

No. 01-1956
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
NÉSTOR NAZARIO-TRABAL, Defendant, Appellant.

No. 01-1957
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
JULIO ORTEGA-MIRANDA, Defendant, Appellant.

No. 01-1958
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
REINAND ORTIZ-FELICIANO, Defendant, Appellant.

No. 01-1959
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ZORAIDA SANTIAGO-FELICIANO,
Defendant, Appellant.

No. 01-1960
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
JOSÉ RIVERA-SANTANA, Defendant, Appellant.

No. 01-1961
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ASUNCIÓN RODRÍGUEZ-CRESPO,
Defendant, Appellant.

No. 01-1962
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ERNESTO PEÑA-CARAMBOT, Defendant, Appellant.

No. 01-1963
UNITED STATES OF AMERICA, Plaintiff, Appellee,
v.
ROSALINDA SOTO-TOLEDO, Defendant, Appellant.

APPEALS FROM THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

[Hon. Héctor M. Laffitte, U.S. District Judge]
[Hon. Juan M. Pérez-Giménez, U.S. District Judge]
[Hon. José Antonio Fusté, U.S. District Judge]
[Hon. Salvador E. Casellas, U.S. District Judge]
[Hon. Daniel R. Dominguez, U.S. District Judge]
[Hon. Jesús A. Castellanos, U.S. Magistrate Judge]
[Hon. Justo Arenas, U.S. Magistrate Judge]
[Hon. Aida M. Delgado-Colón, U.S. Magistrate Judge]

Before

Torruella, Circuit Judge,
Kravitch,[1] Senior Circuit Judge,
and Lynch, Circuit Judge.

Fermin L. Arraiza-Navas, with whom Pedro J. Varela, was on brief, for appellants.

Guillermo J. Ramos-Luina, with whom Rivera, Tulla & Ferrer, was on brief, for appellant Alice Agosto-Hernandez.

Francis J. Bustamante, Special Assistant U.S. Attorney, with whom Guillermo Gil, United States Attorney, Jorge E. Vega-Pacheco, Assistant U.S. Attorney, Chief, Criminal Division, Anthony Chavez and Aaron W. Reiman, Special Assistant U.S. Attorneys, were on briefs, for appellee.

December 19, 2001

TORRUELLA, Circuit Judge. Appellants raise various challenges to their convictions for trespassing that arose out of protests at a United States Naval installation in Vieques, Puerto Rico. Because we find these challenges unpersuasive, we affirm.

Background

Appellants, whose cases have been consolidated for purposes of appeal, were arrested at various times between April and June of 2000 for trespassing onto Camp Garcia, a United States Naval installation located

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[1] Of the Eleventh Circuit, sitting by designation.

on the island of Vieques, Puerto Rico. Pursuant to regulations promulgated by the Department of the Navy, Camp Garcia is a "closed" base, meaning that the public may not enter without permission from the commanding officer. 32 C.F.R. §§ 770.35-770.40 (2001). Appellants entered Camp Garcia, without authorization, to protest and interfere with the military exercises occurring there. Appellants alleged that the Navy's activities, including live-fire artillery and bombardment exercises, were causing civilian deaths, serious health threats to Vieques' residents, and environmental damage.

Either before or during their trials in the district court, appellants made offers of proof or attempted to assert the defense of necessity. In each case, the district court ruled that the necessity defense was irrelevant and excluded the presentation of this defense.

Following bench trials, appellants were all convicted of violating 18 U.S.C. § 1382 (1994), which prohibits entry onto a military base "for any purpose prohibited by law or lawful regulation," including entry onto a U.S. Naval installation in Puerto Rico without advance permission. *See* 32 C.F.R. §§ 770.38, 770.40. Appellants received various sentences for this Class B misdemeanor. They now appeal their convictions.

Analysis

Appellants raise four separate challenges to their convictions. We address each in turn.

A. *Failure to Prove the Unlawful Purpose Element of Statute*

The trespassing statute under which appellants were convicted forbids the entry onto any military installation "for any purpose prohibited by law or lawful regulation." 18 U.S.C. § 1382. Appellant Sued-Jimenez argues that the government failed to prove this unlawful purpose element because the government did not introduce any evidence at trial, such as warning signs, to demonstrate that appellant knew he was illegally entering Camp Garcia. Without any evidence to show that appellant knew his entry was illegal, appellant asserts that his entry could not have been for an illegal purpose.

This is not the first time this argument has been raised in appeals from convictions under § 1382. *See, e.g., United States v. Maxwell*, 254 F.3d 21, 24-25 (1st Cir. 2001). We have previously held that a showing of illegal purpose for entry onto a restricted military base requires two elements: deliberate entry onto the base and knowledge or notice that such entry was prohibited. *See id.* at 24. In *Maxwell*, another appeal from a section 1382 conviction for protesting in Vieques, we held that the Department of the Navy's regulations, promulgated at 32 C.F.R. §§ 770.35-770.40, are sufficient to satisfy the knowledge or notice requirement that military installations in Puerto Rico are off limits to the public. *See Maxwell*, 254 F.3d at 24-25. Thus, all the government has to prove at trial to satisfy the illegal purpose element is that the defendant deliberately entered the naval base. *See id.* at 25.

In this case, appellant admitted at trial that he entered onto the naval base without authorization.

Moreover, appellant's intended purpose was to enter onto the Navy's land to protest the military activities occurring there. Therefore, the government has undeniably satisfied its burden of proving deliberate entry. As a result, appellant's argument that the illegal purpose element was not satisfied lacks merit.

B. *The Necessity Defense*

Appellants collectively assert that the district court erred by finding the defense of necessity irrelevant to their trespassing convictions and therefore barring its presentation (and related expert testimony) at trial.

To successfully assert the necessity defense, a defendant must show that he (1) was faced with a choice of evils and chose the lesser evil, (2) acted to prevent imminent harm, (3) reasonably anticipated a direct causal relationship between his acts and the harm to be averted, and (4) had no legal alternative. *See Maxwell*, 254 F.3d at 27. However, if a defendant's proffer of evidence to support the defense is insufficient as a matter of law, the court can bar presentation of the defense. *See id.* at 26. Because the elements of the necessity defense are conjunctive, the defense may be precluded entirely if proof of any one of the four prongs is lacking. *See United States v. Schoon*, 971 F.2d 193, 195 (9th Cir. 1992).

Appellants argue that their illegal entry into Camp Garcia was necessary to prevent the greater imminent harms of civilian deaths, health threats, and environmental damages that they say are posed by the military exercises being conducted there. Second, they assert that their presence in Camp Garcia will necessarily bring a

halt to the Navy's exercises and the concomitant risks that arise from those activities. Finally, appellants contend that they have exhausted all other legal alternatives, such as seeking temporary restraining orders and the scheduled referendum,[2] and that such alternatives have either been fruitless or have failed to bring about a sufficiently prompt resolution. The district court, determining that these allegations were insufficient to support the necessity defense as a matter of law, excluded the defense.

The district court's decision to preclude the necessity defense can most easily be affirmed by examining appellants' proffered evidence as to the last two components of the defense: reasonable anticipation of averting the alleged harm and no legal alternatives. Appellants offered no evidence to support their claim that their trespassory protests will result in a change of U.S. Naval policy so that the bombing and ammunition testing in Vieques will cease. *See Maxwell*, 254 F.3d at 28 (noting that a "defendant must demonstrate cause and effect between an act of protest and the achievement of the goal of the protest by competent evidence"). In fact, the Navy has experienced numerous protests in Camp Garcia, yet none has effected more than a temporary cessation of military activities there. *See id.* at 23, 28 (discussing only temporary disruptions caused by past protests); *United States v.*

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[2] At the time of appellants' protests, a referendum had been scheduled to be held by February 2002 in which residents of Vieques would be asked whether they want U.S. troops to leave by May 1, 2003 or to stay indefinitely in exchange for $50 million in economic aid. In the meantime, the Navy agreed to use dummy munitions.

Sharpton, 252 F.3d 536, 538-39 (1st Cir. 2001) (per curiam) (same).

Appellants also failed to offer sufficient evidence to demonstrate a lack of legal alternatives. Although appellants cite unsuccessful attempts to obtain temporary restraining orders against the U.S. Navy, they have not demonstrated an exhaustion of *all* legal options. *See Maxwell*, 254 F.3d at 28 (exploring several legal avenues without results does not demonstrate exhaustion of legal alternatives). Moreover, appellants cannot claim they have no legal alternatives merely because their law-abiding efforts are unlikely to effect a change in policy as soon as they would like. *See id.* at 29 (stating that a possibility of succeeding through legal alternatives, even if unlikely, does not mean that those alternatives are "nonexistent"). This is true even for residents of Puerto Rico, who may have fewer options for effecting political change since they are not directly represented in Congress. *See id.* at 29 (rejecting argument that all legal alternatives were foreclosed because defendant was a citizen of Puerto Rico); *Igartua De La Rosa v. United States*, 229 F.3d 80, 88 (1st Cir. 2000) (Torruella, J., concurring) (stating that "Puerto Rico remains a colony with little prospect of exerting effective political pressure on the elected branches of government to take corrective action"); *Schoon*, 971 F.2d at 198 (asserting that legal alternatives can never be exhausted when the harm could be mitigated through congressional action). *See generally Trailer Marine Transp. Corp. v. Rivera Vazquez*, 977 F.2d 1, 6-7 (1st Cir. 1992) (discussing status of Puerto Rico).

Because appellants have not proffered sufficient evidence to support the third or fourth prongs of the

necessity defense, the district court properly precluded the defense, as well as any evidence relevant to the defense. As such, we need not address whether the alleged harm, if true, constitutes a "greater evil" than trespassing, *see Maxwell*, 254 F.3d at 27 (assuming, but not deciding, that defendant's trespassory protest was a "lesser evil" than the harm posed by nuclear-armed submarines allegedly participating in Navy exercises in Vieques), or whether the alleged risks to health, life, and the environment, though cumulative over time, could qualify as "imminent" harm, *see id.* at 27 (defining "imminent harm" as a "real emergency" involving "immediate danger").

C. *Discovery as to Use of Non-Conventional Weapons*

All appellants, except Sued-Jimenez, collectively assert that the district court erred in not permitting discovery on the government's alleged use of non-conventional weapons in Vieques' Live Impact Area.[3] Appellants seek evidence, if it exists, on the use of non-conventional weapons to support their allegation that the Navy's activities present an imminent health threat to Vieques' residents and are therefore a "greater evil" than trespassing. In other words, appellants requested discovery because it was relevant to the first and second elements of the necessity defense.

Given our affirmance of the district court's preclusion of the necessity defense, any evidence relating to this

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[3] The Live Impact Area is the section of Camp Garcia where the live-fire artillery and bombardment exercises occur.

defense that might be obtained through discovery is irrelevant.[4] Thus, government-held evidence relating to the alleged use of non-conventional weapons is not material to the case and need not be disclosed to defendants. *See* Fed. R. Crim. P. 16(a)(1) (providing that government need only disclose evidence that is material to the defendant's defense). As a result, it was not error for the district court to refuse to order the requested discovery.

D. *Speedy Trial Act Claim*

Appellant Agosto-Hernandez appeals her conviction on the additional ground that it allegedly violates the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 (1994). A criminal complaint was filed against Agosto-Hernandez on June 25, 2000, the same day she was arrested. An information was filed against her on June 29, 2000, and she was arraigned on August 28, 2000. Appellant pled not guilty, and the government moved to dismiss the criminal complaint that had previously been filed. At a status conference on December 13, 2000, appellant announced that she would move for a dismissal based on the Speedy Trial Act. On December 20, 2000, she filed her motion to dismiss, alleging that more than 70 days had elapsed between her plea of not guilty and trial. The district court denied the motion and appellant appeals.

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[4] This is all the more true because appellants only seek discovery of evidence relevant to the first two prongs of the necessity defense, the merits of which we have declined to address or rely upon in affirming the district court's preclusion of the defense.

The Speedy Trial Act provides that when a defendant pleads not guilty to "the commission of an offense," the trial must occur within seventy days from the date the information or indictment was filed, or from the date the defendant appeared before the court where the charge is pending, whichever is later. *See* 18 U.S.C. § 3161(c)(1). If the Act is violated, the charges will be dismissed on defendant's motion for failure to comply with this time table. *See* 18 U.S.C. § 3162(a)(2).

The Speedy Trial Act, however, only applies to defendants charged with an "offense," which is defined as "any Federal criminal offense which is in violation of any Act of Congress and is triable by a court established by Act of Congress (other than a Class B or C misdemeanor . . .)." 18 U.S.C. § 3172(2). Thus, Class B and C misdemeanors are explicitly excluded from the Act's coverage. The criminal trespassing statute at issue here, 18 U.S.C. § 1382, is classified as a Class B misdemeanor. *See* 18 U.S.C. § 1382 (authorizing up to six months' imprisonment); 18 U.S.C. § 3559(a)(7) (1994) (classifying a criminal offense with a maximum sentence of six months as a Class B misdemeanor); *see also Sharpton*, 252 F.3d at 540. As a result, the Speedy Trial Act does not apply to the criminal charge against appellant. *See* 18 U.S.C. § 3172(2) (excluding Class B misdemeanors from Act's coverage); *see also United States v. Boyd*, 214 F.3d 1052, 1057 (9th Cir. 2000) (stating that Speedy Trial Act does not apply to trespass onto a military base).

Thus, appellant's policy-based argument that the Speedy Trial Act *should* apply to her case, despite the clear language of the Act, must fail because it is directly contrary to the Act's provisions.

Conclusion

Because we find no error in the district court's rulings, we affirm.

Affirmed.

UNITED STATES DISTRICT COURT

FOR THE JUDICIAL District of PUERTO RICO

UNITED STATES OF AMERICA

V.

GAZIR SUED JIMENEZ

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 00-CR-170-01 (HL)
Fermin L. Arraiza, Joaquin Monserrate-Matienzo and Judith Berkan, Esqs.
Defendant's Attorney

THE DEFENDANT:

[ ] pleaded guilty to count(s) _____

[ ] pleaded nolo contendere to count(s) _____ which was accepted by the court.

X was found guilty on count(s) One after a plea of not guilty.

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC § 1382	Trespass on a US naval installation (A Class B misdemeanor)	06-26-00	One

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

[ ] The defendant has been found not guilty on count(s) _____

[ ] Count(s) _____ [ ] is
[ ] are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: -UNKNOWN-

Defendant's Date of Birth: -UNKNOWN-

Defendant's USM No.: 19776-069

Defendant's Residence Address:

-UNKNOWN-

Defendant's Mailing Address:

SAME AS ABOVE

USUAL CS ISSUED ON 8/10/00

August 4, 2000
Date of Imposition of Judgment

[Illegible]
Signature of Judicial Officer

HECTOR M. LAFFITTE, CHIEF, U.S. DISTRICT JUDGE
Name and Title of Judicial Officer

August 10, 2000
Date

PROBATION

The defendant is hereby placed on a probation for a term of **TWELVE (12) MONTHS. TO BE SERVED UNDER THE FOLLOWING TERMS AND CONDITIONS:**

The defendant shall not commit another federal, state or local crime and shall abide by the standard conditions of probation recommended by the United States Sentencing Commission and adopted by this court.

The defendant shall not illegally possess a controlled substance, firearm, or destructive device or other dangerous weapon.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

[ ] The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

X The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set

forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

ADDITIONAL PROBATION TERMS

The defendant is forbidden to travel to Vieques, Puerto Rico, or enter Camp Garcia Naval Installation, the eastern maneuver area, the inner range and/or the Naval Ammunition Facilities at Vieques, Puerto Rico.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	Assessment	Fine	Restitution
Totals:	$10.00	$	$

[ ] If applicable, restitution amount ordered pursuant to plea agreement .....$_____

FINE

The above fine includes costs of incarceration and/or supervision in the amount of $_____

The defendant shall pay interest on any fine more than $2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

[ ] The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

X The interest requirement is waived.

[ ] The interest requirement is modified as follows:

RESTITUTION

[ ] The determination of restitution is deferred until _____. An Amended Judgment is a Criminal Case will be entered after such determination.

[ ] The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

Name of Payee	*Total Amount of Loss	Amount of Restitution Ordered	Priority Order or Percentage of Payment
Totals:	$_____	$_____	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113a of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

UNITED STATES DISTRICT COURT

FOR THE JUDICIAL District of PUERTO RICO

UNITED STATES OF AMERICA

V.

ELGA MARI CASTRO-RAMOS

JUDGMENT IN A CRIMINAL CASE
(For a Petty Offense)

CASE NUMBER:
00-CR-459-01 (HL)
JUDITH BERKAN FERMIN ARRAIZA AND JOAQUIN MONSERRATE-MATIENZO, ESQ.
Defendant's Attorney

THE DEFENDANT:

[ ] **THE DEFENDANT** pleaded [ ] guilty

[ ] nolo contendere to count(s) _____

X **THE DEFENDANT** was found guilty on count One on January 10, 2001

[ ] **THE DEFENDANT** was found not guilty on ___

[ ] Count(s) _____
[ ] is
[ ] are dismissed on the motion of the United States.

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC § 1382 & 2	Entering military/ naval/coast guard property	June 17, 2000	One

The defendant is sentenced as provided in pages 2 through 3 of this judgment.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: 596-16-5264

Defendant's Date of Birth: September 16, 1976

Defendant's USM No.: _____

Defendant's Residence Address:

_____

_____

_____

Defendant's Mailing Address:

PO Box 361883

San Juan, P.R. 60936

_____

_____

January 10, 2001
Date of Imposition of Judgment

[Illegible]
Signature of Judicial Officer

HECTOR M. LAFFITTE, CHIEF, U.S. DISTRICT JUDGE

June 12, 2001
Date

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **TWO HOURS TO BE SERVED AT THE PRESS OFFICE**

[ ] The court makes the following recommendations to the Bureau of Prisons:

[ ] The defendant is remanded to the United States Marshal.

[ ] The defendant shall surrender to the United States Marshal for this district:

[ ] at _____ [ ] a.m. [ ] p.m.
on _____

[ ] as notified by the United States Marshal.

[ ] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

[ ] before 2 p.m. on _____.

[ ] as notified by the United States Marshal.

[ ] as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

_____

_____

_____

Defendant delivered on _____ to _____ at _____ with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 3, Part B.

	Assessment	Fine	Restitution
TOTALS	$10.00	$	$

[ ] The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

[ ] The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

Name of Payee	*Total Amount of Loss	Amount of Restitution Ordered	Priority Order or Percentage of Payment
TOTALS	$_____	$_____	

[ ] If applicable, restitution amount ordered pursuant to plea agreement $_____

[ ] The defendant shall pay interest on any fine or restitution of more than $2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 3, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

[ ] The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

[ ] the interest requirement is waived for the [ ] fine and/or [X] restitution.

[ ] the interest requirement for the [ ] fine and/or [ ] restitution is modified as follows

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

UNITED STATES DISTRICT COURT

FOR THE District of PUERTO RICO

UNITED STATES OF AMERICA

V.

JOSE GONZELEZ-PEREZ
TN: JOSE PEREZ-GONZALEZ

JUDGMENT IN A CRIMINAL CASE
(For a Petty Offense)

CASE NUMBER:
01-CR-191-01 (JAF)
FERMIN ARRAIZA AND PEDRO SAADE, ESQS.
Defendant's Attorney

THE DEFENDANT:

[ ] **THE DEFENDANT** pleaded [ ] guilty
[ ] nolo contendere to count(s) _____

X **THE DEFENDANT** was found guilty on count(s) 05-23-01.

[ ] **THE DEFENDANT** was found not guilty on ___

[ ] Count(s) _____
[ ] is
[ ] are dismissed on the motion of the United States.

Title & Section	Nature of Offense	Date Concluded	Count Number(s)
18:1382.P	ENTERING MILITARY/ COAST GUARD PROPERTY	04-27-01	ONE

The defendant is sentenced as provided in pages 2 through 3 of this judgment.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec.: 582-57-7268

Defendant's Date of Birth: 01-14-68

Defendant's USM No.: _____

Defendant's Residence Address:

CALLED CONDADO #34

PONCE, P.R. 00731

Defendant's Mailing Address:

---SAME AS ABOVE---

MAY 23, 2001
Date of Imposition of Judgment

[Illegible]
Signature of Judicial Officer

JOSE A. FUSTE, U.S. DISTRICT JUDGE
Name and Title of Judicial Officer

MAY 23, 2001
Date

5/23/01
A/es: 2 USM, 1 MDC
S/es: USM, USPO, PTSO, PC

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of NINETY (90) DAYS.

[ ] The court makes the following recommendations to the Bureau of Prisons:

X The defendant is remanded to the custody of the United States Marshal.

[ ] The defendant shall surrender to the United States Marshal for this district:

[ ] at _____ [ ] a.m. [ ] p.m.
on _____

[ ] as notified by the United States Marshal.

[ ] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

[ ] before 2 p.m. on _____.

[ ] as notified by the United States Marshal.

[ ] as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

_____

_____

Defendant delivered on _____ to _____ at _____ with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 3, Part B.

	Assessment	Fine	Restitution
TOTALS	$10.00	$500.00	$

[ ] The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

[ ] The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

Name of Payee	*Total Amount of Loss	Amount of Restitution Ordered	Priority Order or Percentage of Payment
TOTALS	$_____	$_____	

[ ] If applicable, restitution amount ordered pursuant to plea agreement $_____

[ ] The defendant shall pay interest on any fine or restitution of more than $2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 3, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

[ ] The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

[ ] the interest requirement is waived for the [ ] fine and/or [ ] restitution.

[ ] the interest requirement for the [ ] fine and/or [ ] restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

UNITED STATES DISTRICT COURT

JUDICIAL District of PUERTO RICO

UNITED STATES OF AMERICA

V.

Edwin E. RIVERA-CARDONA

JUDGMENT IN A CRIMINAL CASE
(For a Petty Offense) – Short Form

CASE NUMBER:
00-CR-534-01 (PG)
Fermin ARRAIZA
Defendant's Attorney

THE DEFENDANT:

X **THE DEFENDANT** was found guilty as to count one

Title & Section	Nature of Offense	Date Concluded	Count Number(s)
18:1382	Trespass on a U.S. Naval Installation	06/25/00	One

[ ] Count(s) _____
[ ] is [ ] are dismissed on the motion of the United States.

CRIMINAL MONETARY PENALTIES

All criminal monetary penalty payments are to be made as directed by the court, the probation officer, or the United States Attorney.

	Assessment	Fine
Total:	$10.00*	$100.00*

*The defendant is granted until Friday, February 23, 2001, at 12:00 Noon to pay these monies. Defendant's Soc. Sec. No.: 584-53-7436

Defendant's Date of Birth: December 13, 1972

Defendant's USM No.: _____

Defendant's Residence Address:

Calle 4 #343, Pascelas Hill Brothers

Rio Piedras, Puero Rico 00924

Defendant's Mailing Address:

Same as above.

February 21, 2001
Date of Imposition of Judgment

/s/ Juan M. Perez-Gimenez
Signature of Judicial Officer

JUAN M. PEREZ-GIMENEZ, US District Judge
Name and Title of Judicial Officer

February 12, 2001
Date

FEB 22 2001
A/es: 2 USM, 1 MDC
S/es: USM, USPO, PTSO, PC

UNITED STATES DISTRICT COURT

JUDICIAL District of PUERTO RICO

UNITED STATES OF AMERICA

V.

Tubal PADILLA-GALLIAN

JUDGMENT IN A CRIMINAL CASE
(For a Petty Offense) – Short Form

CASE NUMBER:
00-CR-538-01 (PG)
Fermin ARRAIZA
Defendant's Attorney

THE DEFENDANT:

X **THE DEFENDANT** was found guilty as to count one

Title & Section	**Nature of Offense**	**Date Concluded**	**Count Number(s)**
18:1382	Trespass on a U.S. Naval Installation	06/25/00	One

[ ] Count(s) _____
[ ] is [ ] are dismissed on the motion of the United States.

CRIMINAL MONETARY PENALTIES

All criminal monetary penalty payments are to be made as directed by the court, the probation officer, or the United States Attorney.

	Assessment	Fine
Total:	$10.00*	$100.00*

*The defendant is granted until Friday, February 23, 2001, at 12:00 Noon to pay these monies. Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's USM No.: _____

Defendant's Residence Address:

_____

_____

_____

_____

Defendant's Mailing Address:

_____

_____

_____

_____

February 21, 2001
Date of Imposition of Judgment

/s/ Juan M. Perez-Gimenez
Signature of Judicial Officer

JUAN M. PEREZ-GIMENEZ, US District Judge
Name and Title of Judicial Officer

February 21, 2001
Date

FEB 22 2001
A/es: 2 USM, 1 MDC
S/es: USM, USPO, PTSO, PC

UNITED STATES DISTRICT COURT

FOR THE District of PUERTO RICO

UNITED STATES OF AMERICA V. BLANCA GARI-PERREZ	**JUDGMENT IN A CRIMINAL CASE (For a Petty Offense)** CASE NUMBER: 01-CR-282-01 (JAF) MARIA MURIENTE, ESQ. Defendant's Attorney

THE DEFENDANT:

[ ] **THE DEFENDANT** pleaded [ ] guilty
[ ] nolo contendere to count(s) _____

X **THE DEFENDANT** was found guilty on count(s) 05-22-01

[ ] **THE DEFENDANT** was found not guilty on ___

[ ] Count(s) _____
[ ] is
[ ] are dismissed on the motion of the United States.

Title & Section	Nature of Offense	Date Concluded	Count Number(s)
18-1382E	ENTERING MILITARY/ COAST GUARD PROPERTY	04-28-01	ONE

The defendant is sentenced as provided in pages 2 through 3 of this judgment.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address and all

fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: 583-60-8409

Defendant's Date of Birth: 12-09-46

Defendant's USM No.: _____

Defendant's Residence Address:

[ILLEGIBLE]

[ILLEGIBLE]

Defendant's Mailing Address:

----SAME AS ABOVE----

MAY 22, 2001
Date of Imposition of Judgment

[Illegible]
Signature of Judicial Officer

JOSE A. FESTE, U.S. DISTRICT JUDGE
Name and Title of Judicial Officer

MAY 22, 2001
Date

* * *

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 3, Part B.

	Assessment	Fine	Restitution
TOTALS	$10.00	$500.00	$

[ ] The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

[ ] The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

Name of Payee	*Total Amount of Loss	Amount of Restitution Ordered	Priority Order or Percentage of Payment
TOTALS	$_____	$_____	

[ ] If applicable, restitution amount ordered pursuant to plea agreement $_____

[ ] The defendant shall pay interest on any fine or restitution of more than $2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 3, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

[ ] The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

[ ] the interest requirement is waived for the [ ] fine and/or [ ] restitution.

[ ] the interest requirement for the [ ] fine and/or [ ] restitution is modified as follows

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.